



Rep. Elgie R. Sims, Jr.

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09800HB1157ham003

LRB098 08477 MRW 42699 a

1 AMENDMENT TO HOUSE BILL 1157

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1157, AS AMENDED, by  
3 inserting the following in its proper numeric sequence:

4 "Section 202. The Firearm Owners Identification Card Act is  
5 amended by changing Sections 4 and 8 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 Sec. 4. (a) Each applicant for a Firearm Owner's  
8 Identification Card must:

9 (1) Make application on blank forms prepared and  
10 furnished at convenient locations throughout the State by  
11 the Department of State Police, or by electronic means, if  
12 and when made available by the Department of State Police;  
13 and

14 (2) Submit evidence to the Department of State Police  
15 that:

16 (i) He or she is 21 years of age or over, or if he

1 or she is under 21 years of age that he or she has the  
2 written consent of his or her parent or legal guardian  
3 to possess and acquire firearms and firearm ammunition  
4 and that he or she has never been convicted of a  
5 misdemeanor other than a traffic offense or adjudged  
6 delinquent, provided, however, that such parent or  
7 legal guardian is not an individual prohibited from  
8 having a Firearm Owner's Identification Card and files  
9 an affidavit with the Department as prescribed by the  
10 Department stating that he or she is not an individual  
11 prohibited from having a Card;

12 (ii) He or she has not been convicted of a felony  
13 under the laws of this or any other jurisdiction;

14 (iii) He or she is not addicted to narcotics;

15 (iv) He or she has not been a patient in a mental  
16 institution within the past 5 years and he or she has  
17 not been adjudicated as a mental defective;

18 (v) He or she is not intellectually disabled;

19 (vi) He or she is not an alien who is unlawfully  
20 present in the United States under the laws of the  
21 United States;

22 (vii) He or she is not subject to an existing order  
23 of protection prohibiting him or her from possessing a  
24 firearm;

25 (viii) He or she has not been convicted within the  
26 past 5 years of battery, assault, aggravated assault,

1 violation of an order of protection, or a substantially  
2 similar offense in another jurisdiction, in which a  
3 firearm was used or possessed;

4 (ix) He or she has not been convicted of domestic  
5 battery, aggravated domestic battery, or a  
6 substantially similar offense in another jurisdiction  
7 committed before, on or after January 1, 2012 (the  
8 effective date of Public Act 97-158). If the applicant  
9 knowingly and intelligently waives the right to have an  
10 offense described in this clause (ix) tried by a jury,  
11 and by guilty plea or otherwise, results in a  
12 conviction for an offense in which a domestic  
13 relationship is not a required element of the offense  
14 but in which a determination of the applicability of 18  
15 U.S.C. 922(g) (9) is made under Section 112A-11.1 of the  
16 Code of Criminal Procedure of 1963, an entry by the  
17 court of a judgment of conviction for that offense  
18 shall be grounds for denying the issuance of a Firearm  
19 Owner's Identification Card under this Section;

20 (x) (Blank);

21 (xi) He or she is not an alien who has been  
22 admitted to the United States under a non-immigrant  
23 visa (as that term is defined in Section 101(a) (26) of  
24 the Immigration and Nationality Act (8 U.S.C.  
25 1101(a) (26))), or that he or she is an alien who has  
26 been lawfully admitted to the United States under a

1 non-immigrant visa if that alien is:

2 (1) admitted to the United States for lawful  
3 hunting or sporting purposes;

4 (2) an official representative of a foreign  
5 government who is:

6 (A) accredited to the United States  
7 Government or the Government's mission to an  
8 international organization having its  
9 headquarters in the United States; or

10 (B) en route to or from another country to  
11 which that alien is accredited;

12 (3) an official of a foreign government or  
13 distinguished foreign visitor who has been so  
14 designated by the Department of State;

15 (4) a foreign law enforcement officer of a  
16 friendly foreign government entering the United  
17 States on official business; or

18 (5) one who has received a waiver from the  
19 Attorney General of the United States pursuant to  
20 18 U.S.C. 922 (y) (3);

21 (xii) He or she is not a minor subject to a  
22 petition filed under Section 5-520 of the Juvenile  
23 Court Act of 1987 alleging that the minor is a  
24 delinquent minor for the commission of an offense that  
25 if committed by an adult would be a felony;

26 (xiii) He or she is not an adult who had been

1 adjudicated a delinquent minor under the Juvenile  
2 Court Act of 1987 for the commission of an offense that  
3 if committed by an adult would be a felony; ~~and~~

4 (xiv) He or she is a resident of the State of  
5 Illinois; and

6 (xv) He or she has received a mental health  
7 evaluation by a clinical psychologist or physician as  
8 those terms are defined in the Mental Health and  
9 Developmental Disabilities Code and has received a  
10 certification by the clinical psychologist or  
11 physician that he or she:

12 (1) is not a danger to himself, herself, or to  
13 others;

14 (2) does not lack the mental capacity to manage  
15 his or her own affairs;

16 (3) is able to provide for his or her basic  
17 physical needs so as to guard himself or herself  
18 from serious harm without the assistance of family  
19 or others; and

20 (4) does not have a state of mind manifested by  
21 violent, suicidal, threatening, or assaultive  
22 behavior that poses a clear and present danger to  
23 himself, herself, or to others at the time of the  
24 evaluation or in the future.

25 The certification shall be submitted to the  
26 Department of State Police by the applicant at the time

1           of his or her application; and a mental health  
2           evaluation as provided in this item (xv) is also  
3           required when applying for renewal of a Firearm Owner's  
4           Identification Card; and

5           (3) Upon request by the Department of State Police,  
6           sign a release on a form prescribed by the Department of  
7           State Police waiving any right to confidentiality and  
8           requesting the disclosure to the Department of State Police  
9           of limited mental health institution admission information  
10          from another state, the District of Columbia, any other  
11          territory of the United States, or a foreign nation  
12          concerning the applicant for the sole purpose of  
13          determining whether the applicant is or was a patient in a  
14          mental health institution and disqualified because of that  
15          status from receiving a Firearm Owner's Identification  
16          Card. No mental health care or treatment records may be  
17          requested. The information received shall be destroyed  
18          within one year of receipt.

19          (a-5) Each applicant for a Firearm Owner's Identification  
20          Card who is over the age of 18 shall furnish to the Department  
21          of State Police either his or her Illinois driver's license  
22          number or Illinois Identification Card number, except as  
23          provided in subsection (a-10).

24          (a-10) Each applicant for a Firearm Owner's Identification  
25          Card, who is employed as a law enforcement officer, an armed  
26          security officer in Illinois, or by the United States Military

1 permanently assigned in Illinois and who is not an Illinois  
2 resident, shall furnish to the Department of State Police his  
3 or her driver's license number or state identification card  
4 number from his or her state of residence. The Department of  
5 State Police may promulgate rules to enforce the provisions of  
6 this subsection (a-10).

7 (a-15) If an applicant applying for a Firearm Owner's  
8 Identification Card moves from the residence address named in  
9 the application, he or she shall immediately notify in a form  
10 and manner prescribed by the Department of State Police of that  
11 change of address.

12 (a-20) Each applicant for a Firearm Owner's Identification  
13 Card shall furnish to the Department of State Police his or her  
14 photograph. An applicant who is 21 years of age or older  
15 seeking a religious exemption to the photograph requirement  
16 must furnish with the application an approved copy of United  
17 States Department of the Treasury Internal Revenue Service Form  
18 4029. In lieu of a photograph, an applicant regardless of age  
19 seeking a religious exemption to the photograph requirement  
20 shall submit fingerprints on a form and manner prescribed by  
21 the Department with his or her application.

22 (b) Each application form shall include the following  
23 statement printed in bold type: "Warning: Entering false  
24 information on an application for a Firearm Owner's  
25 Identification Card is punishable as a Class 2 felony in  
26 accordance with subsection (d-5) of Section 14 of the Firearm

1 Owners Identification Card Act.".

2 (c) Upon such written consent, pursuant to Section 4,  
3 paragraph (a)(2)(i), the parent or legal guardian giving the  
4 consent shall be liable for any damages resulting from the  
5 applicant's use of firearms or firearm ammunition.

6 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,  
7 eff. 7-13-12; 97-1131, eff. 1-1-13.)

8 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

9 Sec. 8. The Department of State Police has authority to  
10 deny an application for or to revoke and seize a Firearm  
11 Owner's Identification Card previously issued under this Act  
12 only if the Department finds that the applicant or the person  
13 to whom such card was issued is or was at the time of issuance:

14 (a) A person under 21 years of age who has been convicted  
15 of a misdemeanor other than a traffic offense or adjudged  
16 delinquent;

17 (b) A person under 21 years of age who does not have the  
18 written consent of his parent or guardian to acquire and  
19 possess firearms and firearm ammunition, or whose parent or  
20 guardian has revoked such written consent, or where such parent  
21 or guardian does not qualify to have a Firearm Owner's  
22 Identification Card;

23 (c) A person convicted of a felony under the laws of this  
24 or any other jurisdiction;

25 (d) A person addicted to narcotics;

1 (e) A person who has been a patient of a mental institution  
2 within the past 5 years or has been adjudicated as a mental  
3 defective;

4 (f) A person whose mental condition is of such a nature  
5 that it poses a clear and present danger to the applicant, any  
6 other person or persons or the community;

7 For the purposes of this Section, "mental condition" means  
8 a state of mind manifested by violent, suicidal, threatening or  
9 assaultive behavior.

10 (g) A person who is intellectually disabled;

11 (h) A person who intentionally makes a false statement in  
12 the Firearm Owner's Identification Card application;

13 (i) An alien who is unlawfully present in the United States  
14 under the laws of the United States;

15 (i-5) An alien who has been admitted to the United States  
16 under a non-immigrant visa (as that term is defined in Section  
17 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.  
18 1101(a)(26))), except that this subsection (i-5) does not apply  
19 to any alien who has been lawfully admitted to the United  
20 States under a non-immigrant visa if that alien is:

21 (1) admitted to the United States for lawful hunting or  
22 sporting purposes;

23 (2) an official representative of a foreign government  
24 who is:

25 (A) accredited to the United States Government or  
26 the Government's mission to an international

1 organization having its headquarters in the United  
2 States; or

3 (B) en route to or from another country to which  
4 that alien is accredited;

5 (3) an official of a foreign government or  
6 distinguished foreign visitor who has been so designated by  
7 the Department of State;

8 (4) a foreign law enforcement officer of a friendly  
9 foreign government entering the United States on official  
10 business; or

11 (5) one who has received a waiver from the Attorney  
12 General of the United States pursuant to 18 U.S.C.  
13 922(y)(3);

14 (j) (Blank);

15 (k) A person who has been convicted within the past 5 years  
16 of battery, assault, aggravated assault, violation of an order  
17 of protection, or a substantially similar offense in another  
18 jurisdiction, in which a firearm was used or possessed;

19 (l) A person who has been convicted of domestic battery,  
20 aggravated domestic battery, or a substantially similar  
21 offense in another jurisdiction committed before, on or after  
22 January 1, 2012 (the effective date of Public Act 97-158). If  
23 the applicant or person who has been previously issued a  
24 Firearm Owner's Identification Card under this Act knowingly  
25 and intelligently waives the right to have an offense described  
26 in this paragraph (l) tried by a jury, and by guilty plea or

1 otherwise, results in a conviction for an offense in which a  
2 domestic relationship is not a required element of the offense  
3 but in which a determination of the applicability of 18 U.S.C.  
4 922(g)(9) is made under Section 112A-11.1 of the Code of  
5 Criminal Procedure of 1963, an entry by the court of a judgment  
6 of conviction for that offense shall be grounds for denying an  
7 application for and for revoking and seizing a Firearm Owner's  
8 Identification Card previously issued to the person under this  
9 Act;

10 (m) (Blank);

11 (n) A person who is prohibited from acquiring or possessing  
12 firearms or firearm ammunition by any Illinois State statute or  
13 by federal law;

14 (o) A minor subject to a petition filed under Section 5-520  
15 of the Juvenile Court Act of 1987 alleging that the minor is a  
16 delinquent minor for the commission of an offense that if  
17 committed by an adult would be a felony;

18 (p) An adult who had been adjudicated a delinquent minor  
19 under the Juvenile Court Act of 1987 for the commission of an  
20 offense that if committed by an adult would be a felony; ~~or~~

21 (q) A person who is not a resident of the State of  
22 Illinois, except as provided in subsection (a-10) of Section 4;  
23 or -

24 (s) A person who has received a mental health evaluation by  
25 a clinical psychologist or physician as those terms are defined  
26 in the Mental Health and Developmental Disabilities Code and

1 the clinical psychologist or physician determines that the Card  
2 holder:

3 (1) is a danger to himself, herself, or to  
4 others;

5 (2) lacks the mental capacity to manage his or  
6 her own affairs;

7 (3) is unable to provide for his or her basic  
8 physical needs so as to guard himself or herself  
9 from serious harm without the assistance of family  
10 or others; and

11 (4) has a state of mind manifested by violent,  
12 suicidal, threatening, or assaultive behavior that  
13 poses a clear and present danger to himself,  
14 herself, or to others at the time of the evaluation  
15 or in the future.

16 The clinical psychologist or physician shall,  
17 immediately after making the determination described  
18 in this subsection (s), forward that information to the  
19 Department of State Police.

20 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
21 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

22 Section 340. The Mental Health and Developmental  
23 Disabilities Confidentiality Act is amended by changing  
24 Section 11 as follows:

1 (740 ILCS 110/11) (from Ch. 91 1/2, par. 811)

2 Sec. 11. Disclosure of records and communications. Records  
3 and communications may be disclosed:

4 (i) in accordance with the provisions of the Abused and  
5 Neglected Child Reporting Act, subsection (u) of Section 5  
6 of the Children and Family Services Act, or Section 7.4 of  
7 the Child Care Act of 1969;

8 (ii) when, and to the extent, a therapist, in his or  
9 her sole discretion, determines that disclosure is  
10 necessary to initiate or continue civil commitment or  
11 involuntary treatment proceedings under the laws of this  
12 State or to otherwise protect the recipient or other person  
13 against a clear, imminent risk of serious physical or  
14 mental injury or disease or death being inflicted upon the  
15 recipient or by the recipient on himself or another;

16 (iii) when, and to the extent disclosure is, in the  
17 sole discretion of the therapist, necessary to the  
18 provision of emergency medical care to a recipient who is  
19 unable to assert or waive his or her rights hereunder;

20 (iv) when disclosure is necessary to collect sums or  
21 receive third party payment representing charges for  
22 mental health or developmental disabilities services  
23 provided by a therapist or agency to a recipient under  
24 Chapter V of the Mental Health and Developmental  
25 Disabilities Code or to transfer debts under the  
26 Uncollected State Claims Act; however, disclosure shall be

1 limited to information needed to pursue collection, and the  
2 information so disclosed shall not be used for any other  
3 purposes nor shall it be redisclosed except in connection  
4 with collection activities;

5 (v) when requested by a family member, the Department  
6 of Human Services may assist in the location of the  
7 interment site of a deceased recipient who is interred in a  
8 cemetery established under Section 26 of the Mental Health  
9 and Developmental Disabilities Administrative Act;

10 (vi) in judicial proceedings under Article VIII of  
11 Chapter III and Article V of Chapter IV of the Mental  
12 Health and Developmental Disabilities Code and proceedings  
13 and investigations preliminary thereto, to the State's  
14 Attorney for the county or residence of a person who is the  
15 subject of such proceedings, or in which the person is  
16 found, or in which the facility is located, to the attorney  
17 representing the petitioner in the judicial proceedings,  
18 to the attorney representing the recipient in the judicial  
19 proceedings, to any person or agency providing mental  
20 health services that are the subject of the proceedings and  
21 to that person's or agency's attorney, to any court  
22 personnel, including but not limited to judges and circuit  
23 court clerks, and to a guardian ad litem if one has been  
24 appointed by the court. Information disclosed under this  
25 subsection shall not be utilized for any other purpose nor  
26 be redisclosed except in connection with the proceedings or

1 investigations. Copies of any records provided to counsel  
2 for a petitioner shall be deleted or destroyed at the end  
3 of the proceedings and counsel for petitioner shall certify  
4 to the court in writing that he or she has done so. At the  
5 request of a recipient or his or her counsel, the court  
6 shall issue a protective order insuring the  
7 confidentiality of any records or communications provided  
8 to counsel for a petitioner;

9 (vii) when, and to the extent disclosure is necessary  
10 to comply with the requirements of the Census Bureau in  
11 taking the federal Decennial Census;

12 (viii) when, and to the extent, in the therapist's sole  
13 discretion, disclosure is necessary to warn or protect a  
14 specific individual against whom a recipient has made a  
15 specific threat of violence where there exists a  
16 therapist-recipient relationship or a special  
17 recipient-individual relationship;

18 (ix) in accordance with the Sex Offender Registration  
19 Act;

20 (x) in accordance with the Rights of Crime Victims and  
21 Witnesses Act;

22 (xi) in accordance with Section 6 of the Abused and  
23 Neglected Long Term Care Facility Residents Reporting Act;  
24 ~~and~~

25 (xii) in accordance with Section 55 of the Abuse of  
26 Adults with Disabilities Intervention Act; and

1           (xiii) in accordance with clause (a) (2) (xv) of Section  
2           4 and subsection (s) of Section 8 of the Firearm Owners  
3           Identification Card Act.

4           Any person, institution, or agency, under this Act,  
5 participating in good faith in the making of a report under the  
6 Abused and Neglected Child Reporting Act or in the disclosure  
7 of records and communications under this Section, shall have  
8 immunity from any liability, civil, criminal or otherwise, that  
9 might result by reason of such action. For the purpose of any  
10 proceeding, civil or criminal, arising out of a report or  
11 disclosure under this Section, the good faith of any person,  
12 institution, or agency so reporting or disclosing shall be  
13 presumed.

14           (Source: P.A. 96-466, eff. 8-14-09; 97-333, eff. 8-12-11;  
15           97-375, eff. 8-15-11.)".